

BOARD OF APPEALS CASE NO. 4906

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BEFORE THE

APPLICANT: Charles W. Griffith, Jr.

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ZONING HEARING EXAMINER

REQUEST: Variance to permit a  
residential use in the GI District;  
Old Pylesville Road, Whiteford

\*

OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/10/99 & 3/17/99

HEARING DATE: May 19, 1999

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Record: 3/12/99 & 3/19/99

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Charles W. Griffith, Jr., is requesting a variance to Section 267-32 of the Harford County Code, to permit a residential use in a GI District.

The subject property is located on the south side of Old Pylesville Road in the Fifth Election District. The parcel is identified as Parcel No. 7, in Grid 1-A, on Tax Map 11. The parcel contains 1.08 acres, more or less, all of which is zoned GI, General Industrial and Agricultural.

Mr. Charles W. Griffith, Jr., appeared and testified that he has owned the subject parcel since 1972 and that the entire tract contains 5.25 acres, more or less. The Applicant said that he would like to convey a lot to his son so that his son may build a home on the parcel. The Applicant said that when he was subdividing the parcel, his surveyor advised him that a portion of the lot was zoned GI and that his son would not be able to construct a dwelling on the parcel without obtaining a variance. The Applicant said the area is generally wooded and that the nearest neighbor is approximately 300 feet away. The Applicant said most of the property to the east of the subject parcel is an abandoned slate quarry and that he cannot make any use of the GI zoned property. The Applicant said approximately 1.08 acres of the parcel is zoned General Industrial.

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Mr. Griffith said he believes the subject parcel is unique because of the split zoning and that denial of the variance would cause a hardship because he would be unable to convey a parcel to his son for the purpose of constructing a dwelling. The witness said that requiring a GI use on the parcel would adversely impact the rest of his property, but since the area is generally agricultural and residential in nature, approval of the variance would not be substantially detrimental to the Zoning Code nor be substantially detrimental to adjacent properties.

No protestants appeared in opposition to the Applicant's request, and the Staff Report of the Department of Planning and Zoning recommends conditional approval.

**CONCLUSION:**

The Applicant is requesting a variance to Section 267-32, Principal Permitted Uses, Table I, of the Harford County Code, to permit a residential use in a General Industrial District.

The uncontradicted testimony of the Applicant is that he owns a parcel in excess of 5 acres and that approximately 1.08 acres are zoned GI. The Applicant said he was unaware of the current zoning and that he would like to create a residential lot for his son to construct a dwelling. The Applicant said the subject property is unique due to the split zoning and that denial of the variance would cause a hardship because he would be unable to convey the parcel to his son for residential purposes. Mr. Griffith said he did not feel that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the nearest neighbor is 300 feet from the subject parcel and the area is generally wooded and adjoins an abandoned slate quarry to the east.


It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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Therefore, the requested variance is hereby recommended, subject to the following conditions:

1. The Applicant shall submit a preliminary plan and final plan to the Department of Planning and Zoning for review and approval.
2. The Applicant shall obtain all necessary permits and inspections for any future construction on the parcel.

Date JUNE 3, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner